

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**MARIE BAILEY**

**Plaintiff**

**V.**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

**Defendant**

§  
§  
§  
§  
§  
§  
§

**No. 5:12CV43**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's Motion to Remand (Dkt. No. 13) is hereby **GRANTED**. It is further

**ORDERED** that Plaintiff's above-entitled and numbered civil action is **REVERSED and REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

**ORDERED** that on remand an ALJ will obtain vocational expert testimony regarding the

transferability of skills from the claimant's past relevant work pursuant to 20 C.F.R. § 404.1568 and Social Security Ruling 82-41 and include specific findings regarding the presence and transferability of any work skills identified. The ALJ will also identify and assess the impact of the claimant's change in age classification as of December 2008. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

**It is SO ORDERED.**

**SIGNED this 5th day of December, 2012.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE